

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12944 of Columbia Realty Venture, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue a parking lot in an SP-2 District at the premises 915-921 Massachusetts Avenue, N.W., (Square 370, Lots 801 and 802).

HEARING DATE: June 13, 1979

DECISION DATE: June 13, 1979 (Bench Decision)

FINDINGS OF FACT:

1. At the public hearing of June 13, 1979, the Board granted the request of the applicant to amend the letter of intent to request for permission to operate the parking lot for a period of four years, which is the maximum time allowed under the new SP regulations. The original request was for three years.

2. The subject site is located on the north side of Massachusetts Avenue, N.W. between 9th and 10th Streets. The site is zoned SP-2 and is known as 915-921 Massachusetts Avenue, N.W.

3. The subject lot is irregular in shape and is part of a larger parking lot which is in both the SP and C-2-A zones. Access to the subject lot is via a driveway on Massachusetts Ave.

4. The subject premises has been operated as a parking lot since 1965, with approval from Board of Zoning Adjustment.

5. The applicant has been in compliance with the previous orders of the BZA and proposes to continue the operation of the parking lot.

6. The subject lot is operated during the hours of six a.m. and four p.m., Monday through Friday. There is an attendant at the lot at all times.

7. The parking facility does not fully comply with Sub-paragraph 4101.413 in that the lot does provide all-day commuter parking. However, the lot provides short-term parking for users of nearby retail facilities, is used at night and on weekends by area residents, and also serves the Mount Vernon Place Methodist Church. The cars of all-day parking customers are parked in the portion of the lot zoned C-2-A. The part of the lot under consideration in this application is not used for all-day parking.

8. The applicant has no immediate plans to develop the property.

9. Pursuant to Sub-paragraph 4104.41, the parking lot, which was in existence on October 5, 1978, may be permitted by the Board to continue in existence for a period not to exceed four years.

10. Based on the past experience with the lot, the location of the lot and all facilities thereof are not likely to become objectionable to adjoining and nearby property because of noise, traffic, or other objectionable conditions.

11. The present character and future development of the neighborhood has not been and will not be adversely affected by the proposed use.

12. Advisory Neighborhood Commission 2C made no recommendation on the application.

13. There was no opposition to the application.

#### CONCLUSIONS OF LAW

Based on the findings of fact, the Board concludes that the applicant has substantially met the requirements of a special exception. The Board notes that the applicant has complied with all previous orders. The Board also notes that the proposed use is not in full compliance with Sub-paragraph 4101.413 in that the total facility does provide all-day commuter parking. The Board concludes that the all-day parking is located on a portion of the lot not within the jurisdiction of the Board in this case, and that as to this case, the applicant is in compliance.

The Board concludes the subject parking does provide short-term parking and that there have been no complaints nor any objectionable conditions arising out of the use of the subject lot. The Board concludes that the continued use will not adversely affect the present character and future development of the neighborhood, concern was expressed over the absence of immediate plans for the lot. The Board concludes that the application can be granted.

Accordingly, it is ORDERED that the application be GRANTED subject to the following CONDITIONS:

(a) Approval shall be for a period of FOUR years from the date of expiration of the previous Certificate of Occupancy.

(b) All areas devoted to driveways, access lanes, and

parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

- (c) An eight inch coping shall be erected and maintained along each side of all driveway to protect the public space.
- (d) Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- (e) No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- (f) All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- (g) No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- (h) Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-1 (Charles R. Norris, William F. McIntosh, Leonard L. McCants and Chloethiel Woodard Smith to grant, Walter B. Lewis opposed).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 17 AUG 1979

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UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.